

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

FILED

MAY 30 2003

LARRY W. PROPPS, CLERK
COLUMBIA, S.C.

BLUE CROSS BLUE SHIELD OF SOUTH
CAROLINA, a Mutual Insurance Company,

Plaintiff,

v.

ALLCARE HEALTH MANAGEMENT
SYSTEMS, INC., a Delaware Corporation,

Defendant.

Civil Action No. _____

3 03 184

(JURY TRIAL DEMANDED)

PLAINTIFF'S RESPONSES TO LOCAL RULE 26.01 INTERROGATORIES

A. State the full name, address and telephone numbers of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

RESPONSE:

Not applicable.

B. As to each claim, state whether it should be tried by jury or nonjury and why.

RESPONSE:

Plaintiff Blue Cross Blue Shield of South Carolina requests and is entitled to all of its claims being tried by a jury. The instant case seeks a declaratory judgment of non-infringement and invalidity of U.S. Patent No. 5,301,105. The scope and meaning of the claims contained in this patent is a question of law for the Court to decide under Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996).

C. State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

RESPONSE:

Plaintiff Blue Cross Blue Shield of South Carolina is not a publicly owned company.

D. State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

RESPONSE:

The Columbia Division is appropriate as the acts which give rise to the claims at issue have taken place in this Division, as well as others.

E. Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

RESPONSE:

There exist no related actions.

Dated: May 30, 2003

By: 

William Y. Klett, III

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